

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD C. ANGINO, <i>et al.</i>,	:	CIVIL ACTION NO. 1:08-CV-0147
	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	
	:	
ROBERT P. GRUBIC, P.E., <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 24th day of November, 2008, upon consideration of the motion (Doc. 33) to lift the discovery stay imposed by the order of court (Doc. 26) dated April 17, 2008 and to permit plaintiff to file an amended complaint, and it appearing that “[a] party may amend its pleading once as a matter of course . . . before being served with a responsive pleading,” see FED. R. CIV. P. 15(a)(1)(A), and that defendants have not yet filed an answer to the complaint, it is hereby

ORDERED that:

1. The motion (Doc. 33) is GRANTED in part to the extent that it requests that plaintiff be permitted to file an amended complaint.
2. On or before December 1, 2008, defendants shall state whether they concur in the motion to the extent that it seeks to lift the discovery stay. If defendants oppose the motion, they shall file a memorandum briefly describing the reasons therefor.
3. If defendants file a memorandum in opposition to the motion, plaintiffs shall file a response on or before December 8, 2008.

4. The Clerk of Court is instructed to docket the amended complaint attached to the motion as a separate docket entry.
5. The pending motions to dismiss (Docs. 14, 16) the original complaint are DENIED as moot in light of the amended pleading. See Snyder v. Pascack Valley Hosp., 303 F.3d 271, 276 (3d Cir. 2002) (“An amended complaint supercedes the original version in providing the blueprint for the future course of a lawsuit.”).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge